

You Cannot Petition for your Grandmother

Written by U.S Immigration News

Saturday, 10 December 2011 01:23 - Last Updated Saturday, 10 December 2011 01:42



Q.

Hello my name is T. I have a question in regards to filing a lawful permanent resident petition. I am a U.S citizen who wants to file for my grandmother. She has been living in the U.S for over 10 years and came on a visa and hasn't received her green card yet. I will like to know if it is possible for me to file for her since I am a U.S citizen. My mother is a lawful permanent resident in the U.S with her green card but she doesn't know if she can file for her since she isn't a U.S citizen. My father is my grandmother's son-in-law and he is a U.S citizen. Can either parent or myself file for my grandmother? What can we do at this moment to help my grandmother become a permanent resident? Thank you for your time and consideration.

A.

Thanks for your mail and concern for your grandmother. Unfortunately, you cannot petition for your grandmother to obtain permanent resident status. The only person out of the three of you who could help your grandmother's immigration status is your mother. I will advise that you encourage your mother to apply to become a U.S. citizen to enable her become eligible to file for her mother. There are other hurdles to cross especially since your grandmother has been out of status for a long time, but it is okay to take things step by step. Please consult with an attorney once your mother becomes a U.S. citizen before filing any petition with the U.S. Citizenship & Immigration Services. According to immigration law, if you are a U.S. citizen, you may file for your husband or wife, your unmarried child under age 21, your unmarried son or daughter age 21 or older, your married son or daughter of any age, your brother(s) or sister(s) (you must be age 21 or older), your mother or father (you must be age 21 or older), but you

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cannot file for a grandparent, grandchild, nephew, niece, uncle, aunt, cousin or in-law.

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You have Deported Yourself for Life

Dear Famuyide:

I am one of the immigrants that bought your book on immigration while I was preparing for my interview in Houston. The book was highly instructive and it did help me but my application was denied because the officer thought it is an arranged marriage. Anyway, I moved on and relocated to Europe last year. But if I want to re-enter the U.S. in the future what do I do? I am waiting for your reply.

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A.

You did not provide enough information about what happened at your interview. It appears that you have just deported yourself. If your conclusion that the examiner wrote that your marriage was fraudulent is true, the law provides that no future petition can be approved for your benefits. Specifically, Section 204(c) Immigration & Nationality Act provides that *“Notwithstanding the provisions of subsection (b)*

no petition shall be approved

if (1) the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General (now DHS) to have been entered into for the purpose of evading the immigration laws.”

These are technical issues that could be raised to circumvent the provision of this law, but you will need to consult with an attorney in future when you are ready to return to the U.S. and that will be after at least 10years.

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You Definitely Need a Lawyer

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My husband and I are interested in getting information on filing for his green card. I am a Native American and he is from Trinidad and we live in South Dakota and we would like to start the process, but don't know where to start. We are wondering if it would be easier if I file for him instead of him filing on his own. We don't know where to start. We appreciate any information you can give us. Thanks.

A.

I am wondering where you got U.S. Immigration Newspaper since we are yet to add South Dakota to our distribution list. I know some of our readers do send copies of the newspaper to their friends and families in other States in the U.S. that we are yet to reach. As per your question, you are the one that could file for your husband. The process is not cumbersome. You will need the services of an immigration attorney to file all the documents. The recent rule being followed by the U.S. Citizenship & Immigration Service is that if your file is incomplete at the interview, your case will be denied. An attorney knows all the documents that you will need to include with your application, please retain an attorney that will speed up the process.

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You Could Be Disqualified from becoming a Citizen

Dear Mr. Famuyide:

I am a reader who has a very important question being that I am in Ohio; I am unable to come to you personally. Please keep up the good work for the immigrant community. In 1997, I was stopped by customs at JFK, and steroids were seized from me. Three months later I received a letter from them saying I will have to pay a fine. Since then I never heard anything from them. Now I am filing out my citizen application, and one question asks if I ever smuggle controlled substances into the U.S. I don't know how to answer this question. Should I write a letter informing them of this or should I just respond in the negative. I was never convicted of any crime, never heard from them again and neither did I pay the fine. I was looking for my date in court, but it never came, it seems they never pursued it. Now the statute of limitation has run out. Can someone be deported even if they were never convicted of an offense? Your answer will be greatly appreciated and keep fighting for the community.

Thanks

A reader

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A.

Dear Reader:

You will need to seek the assistance of an attorney to get to the bottom of this matter. Steroid is a controlled substance and being caught with it could attract jail term. Unfortunately, you did not disclose enough information for me to address the issues raised. To become a citizen, an applicant must be a person of good moral character. According to you, you were asked to pay a fine, but you did not pay. That alone disqualifies you. Furthermore, you could have an open warrant as I write. It appears that this matter could be in your way of becoming a citizen. Take all the documents relating to this matter to a criminal attorney to get accurate legal advice on how to clear the matter from your record. The immigration law provides that if you sold or smuggled controlled substances, illegal drugs or narcotics, if you have been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason or if you have been charged with committing any crime or offense, you are not a person of good moral character, therefore, you could be disqualified for at least 5years.